

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
PLAINTIFF,	)	CASE NO. 2:19-cr-82
	)	
vs.	)	
	)	
JASON E. ADKINS,	)	
	)	
DEFENDANT.	)	
	)	

TRANSCRIPT OF SENTENCING PROCEEDINGS  
BEFORE THE HONORABLE ALGENON L. MARBLEY  
CHIEF UNITED STATES DISTRICT JUDGE  
AUGUST 26, 2022; 9:15 A.M.  
COLUMBUS, OHIO

APPEARANCES:

FOR THE PLAINTIFF:

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By: S. Courter Shimeall  
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FRIDAY MORNING SESSION

AUGUST 26, 2022

- - -

THE DEPUTY CLERK: Case No. 2:19-cr-82, United States of America versus Jason E. Adkins.

THE COURT: Would counsel please identify themselves for the record beginning with counsel for the government.

MR. SHIMEALL: Good morning, Your Honor. Courter Shimeall. I'm joined by my colleague, Peter Glenn-Applegate, on behalf of the United States.

THE COURT: Good morning, Mr. Shimeall, Mr. Glenn-Applegate.

Counsel for the defense.

MR. PETERSON: Good morning, Your Honor. Greg Peterson on behalf of Jason Adkins who is seated here to my right.

THE COURT: Good morning, Mr. Peterson.

Mr. Shimeall, what is the status of this proceeding?

MR. SHIMEALL: In April of 2019, the defendant pled guilty to an information that had ten counts in it. Counts One through Three were wire fraud in violation of 18 U.S.C. Section 1343. Counts Four through Six were for money laundering conspiracy in violation of 18 U.S.C. Section 1956(h). Counts Seven through Nine were substantive money laundering counts in violation of 18 U.S.C. Section 1957. And Count Ten was for tax

1 evasion in violation of 26 U.S.C. Section 7201.

2 A final PSR was issued in this case in March of this  
3 year with a number of outstanding objections. We're now before  
4 Your Honor for sentencing in this matter.

5 THE COURT: Thank you.

6 Mr. Peterson, was a Presentence Investigation Report,  
7 including any and all revisions or addenda, provided to  
8 Mr. Adkins at least ten days before this hearing?

9 MR. PETERSON: It was, Judge.

10 THE COURT: Mr. Adkins, did you receive a copy of the  
11 presentence report, including any and all revisions or addenda,  
12 at least ten days before this hearing?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Did you review those materials?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Did you review those materials with your  
17 attorney Mr. Peterson?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Did Mr. Peterson answer any and all  
20 questions that you had with respect to those materials?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Mr. Peterson, are any of the factual  
23 statements contained in the PSR disputed by the defense?

24 MR. PETERSON: Only to the extent of one objection  
25 with respect to the leadership role, Judge. Other than that,

1 we have no dispute with the --

2 THE COURT: We'll take care of that. We will address  
3 all of the objections in a moment.

4 Mr. Shimeall?

5 MR. SHIMEALL: No, Your Honor.

6 THE COURT: There being no objections to the factual  
7 statements contained in the PSR except with respect to the  
8 caveat set forth by defense counsel, the Court hereby accepts  
9 those statements as its findings of fact.

10 Mr. Peterson, the defense has several objections to the  
11 probation officer's conclusions with respect to the applicable  
12 advisory guidelines. We will consider those objections  
13 seriatim.

14 The first objection is to the two-level enhancement  
15 pursuant to 2B1.1(b)(10)(C). Your position, as a headnote,  
16 Mr. Peterson, is that the evidence does not support the  
17 contention that the wire fraud offense involved sophisticated  
18 means as contemplated by 2B1.1(b)(10)(C) as reflected in the  
19 commentary to 2B1.1.

20 The Court, of course, has reviewed and read your  
21 sentencing memorandum and the analysis contained therein. So,  
22 in summary fashion, do you wish to amplify the defense  
23 position?

24 MR. PETERSON: The only comment I would make, Judge,  
25 is the companies that Mr. Adkins used during these offenses

1 were registered in his name. They were bank accounts that were  
2 in his name. It was relatively, in a kind of a pragmatic way,  
3 sort of an unsophisticated way to do this. It was very easy to  
4 track. It was very easy to monitor the flow of funds. There  
5 were not offshore accounts or any of those things that would  
6 rise above the level of any transaction that involved a bank  
7 account and companies and corporations and things of that  
8 nature. I would submit that if that's all it takes, then that  
9 enhancement would apply to anything when bank accounts or  
10 corporations were used.

11 Other than that, Judge, I know you would have reviewed  
12 everything we filed, and we stand on our written motion.

13 THE COURT: Before I pivot to the government, one  
14 question that persists as I review these matters in this case  
15 in particular, is that it appears that the scheme was uncovered  
16 by investigators with the government from the tax division, et  
17 cetera. It doesn't appear that the scheme was uncovered by the  
18 various investors. And it just appears that with all of the  
19 different entities that were involved in it and with the  
20 various money -- as the government phrased it, large number of  
21 back-end money transfers, it would be difficult for the average  
22 investor to be able to follow the money and to uncover the  
23 scheme.

24 Based on your research and the jurisprudence, do you  
25 have any reason to believe that the test should be anything

1 beyond that of what a sophisticated investor would be able to  
2 uncover or to discern?

3 MR. PETERSON: I have no facts to dispute your  
4 conclusion, Judge.

5 THE COURT: Mr. Shimeall, the government's position.

6 MR. SHIMEALL: Only to say that the case law is clear  
7 that the sheer number of transactions and number of bank  
8 accounts at issue by itself can trigger this sophisticated  
9 means enhancement. There were at least 15 corporate accounts.  
10 There were hundreds, at least, transactions related to the  
11 fraud scheme. The sheer size of the fraud scheme --  
12 approximately \$80 million changing hands through various  
13 accounts related to the scheme. And then there were other  
14 issues at play too: a sham escrow agent, a sham tire yard, a  
15 sham tire salesman. We don't think based upon the case law and  
16 the facts that it's particularly close, and it was properly  
17 assessed here.

18 THE COURT: I agree. There were a number of  
19 fictitious entities, corporate shells, offshore financial  
20 accounts. These things are patently reminiscent of  
21 sophisticated means. Both the case law, much of what you  
22 identified in your papers, make that clear.

23 So, in that respect, Mr. Peterson, your objection is  
24 duly noted but overruled.

25 MR. PETERSON: Thank you, Judge.

1           THE COURT: With respect to Objections Nos. 2 and 3,  
2           you object to the enhancement under 2S1.1(b)(3)(B) for  
3           sophisticated laundering. I will turn to you to summarize your  
4           argument.

5           MR. PETERSON: The argument with respect to that, the  
6           word really is sophistication. And so my argument would be the  
7           same with respect to the sophisticated means I just referenced.  
8           I wouldn't have anything additional. And, again, I have  
9           nothing to contradict the conclusion you reached in that regard  
10          as well.

11          THE COURT: Mr. Shimeall?

12          MR. SHIMEALL: Only one thing to add, and part of  
13          Mr. Peterson's objection is that, look, you're using the same  
14          facts to assess both enhancements. Maybe true to some extent,  
15          but there are additional facts related to the money laundering  
16          that make that assessment proper, to the back-end number of  
17          transactions to cover up the scheme. We're talking thousands  
18          of transactions to funnel between different accounts, to  
19          eventually get to accounts controlled by the defendant or  
20          controlled by his coconspirators. That alone, based on the  
21          guideline, is enough to trigger the money laundering  
22          enhancement as well.

23          MR. PETERSON: Can I comment?

24          THE COURT: Yes, you may.

25          MR. PETERSON: I was just going to address the

1 sophisticated and not the double counting. I should have  
2 addressed both because they were in two and three. In  
3 paragraph 52 of the presentence investigation is where the  
4 sophisticated means -- those two points are calculated into the  
5 base offense level through that paragraph. And then in  
6 paragraph 55 is the two-level enhancement for the sophisticated  
7 money laundering. We were simply suggesting that was a double  
8 counting, if you will, based upon the same facts. It resulted  
9 in four points when in essence it should have been two. I have  
10 no additional comment with respect to that objection, Judge.

11 MR. SHIMEALL: We rest on our papers on point.

12 THE COURT: For essentially the same reasons as set  
13 forth with respect to sophisticated means, I find that the  
14 government is correct and the probation officer's analysis is  
15 correct that the sophisticated laundering means complex or  
16 intricate offense conduct pertaining to either the execution or  
17 concealment of acts. And that's what we had in this case as  
18 graphically set forth in the -- on page 4 of the presentence  
19 report's objection sections and where the money laundering  
20 activities are detailed. And what it shows in sum and  
21 substance is that Mr. Adkins laundered the illegally obtained  
22 funds for five years. He made payments to various fictitious  
23 accounts, and his associates were in control of many of those.  
24 And he controlled them in a way that he could pay the  
25 coconspirators for their anticipation in the scheme.



1           For many of the same reasons that I found in Objection  
2   No. 3, I find in -- I'm sorry, in Objection No. 1 as a basis  
3   for finding sophisticated means, I find those facts also  
4   support the notion of sophisticated laundering. Therefore,  
5   your objection is duly noted but overruled.

6           MR. PETERSON: Thank you, Judge.

7           THE COURT: The fourth objection is to the  
8   recommendation of an aggravating role enhancement pursuant to  
9   3B1.1A.

10          Mr. Peterson?

11          MR. PETERSON: Thank you, Judge. As indicated in the  
12   report, there are -- the investigation revealed five criminal  
13   participants, if you will. I don't know that there's anything  
14   that makes Jason any more of a leader than the others. These  
15   people all acted in concert at a relatively similar level of  
16   involvement and certainly a similar level of culpability. I  
17   don't believe there's anything about Jason's role that was a  
18   leader of the others any more so than they were a leader of  
19   him. I think they were all equally responsible for their  
20   actions. And, obviously, they will all be held accountable at  
21   the appropriate time.

22          The only other comment I have is probably more  
23   appropriate to make at the bench at the appropriate time if you  
24   allow us to do that.

25          THE COURT: I will.

1 Mr. Shimeall, the government's response.

2 MR. SHIMEALL: Candidly, this was close for us. This  
3 was a very close call. It is true that the fraud scheme was  
4 complex, and he was integral to the execution of the fraud  
5 scheme. He did, in fact, interact with many, many of the  
6 victims. And so, of course, they would see him as the primary  
7 person in the scheme. What the investigation indicated very  
8 clearly was that he was not at the top of the fraud scheme.  
9 The investigation is ongoing on that point. And while close,  
10 he, at the end of the day, worked in concert as a true  
11 coconspirator with other individuals rather than necessarily  
12 someone who was the sole director of other people.

13 While we think it's close, we ultimately do not object.

14 THE COURT: And you do not -- you do not --

15 MR. SHIMEALL: Do not oppose.

16 THE COURT: You do not oppose.

17 MR. SHIMEALL: Do not oppose.

18 THE COURT: Ms. Boucher, what is the -- you may step  
19 inside the rail, if you wish.

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24 Mr. Peterson, if you have any belief or any rejoinder to  
25 Ms. Boucher's argument or statement, then I'll hear it now

1 before I proceed to the next step of my analysis.

2 MR. PETERSON: I have nothing else to offer, Judge.

3 THE COURT: Mr. Shimeall?

4 MR. SHIMEALL: Not at the present moment. Thank you,  
5 Your Honor.

6 THE COURT: So based on that, then, I find that  
7 probation is correct. There were at least five criminal  
8 participants. At this time, only one of the coconspirators  
9 besides Jason Adkins has been charged. But I find based on the  
10 facts set forth herein that Mr. Adkins did have a managerial  
11 role over a number of the coconspirators. He recruited three  
12 individuals to participate in the conspiracy, and the  
13 conspiracy involved additional unindicted coconspirators who  
14 also managed -- who had a managerial role and directed  
15 Mr. Adkins.

16 So I find that while Mr. Adkins was not an organizer or  
17 leader, he was a manager or supervisor. Therefore, I believe  
18 the enhancement is proper and the enhancement should apply.  
19 Your objection, therefore, is overruled.

20 MR. PETERSON: Thank you, Judge.

21 THE COURT: Could I see counsel at sidebar?

22 - - -

23 (The following proceeding was held at sidebar.)

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21 (The following proceeding was held in open court.)

22 THE COURT: Counsel, based on the objections and the  
23 arguments of counsel, I find that the applicable advisory  
24 guideline range for Mr. Adkins is Total Offense Level 29,  
25 Criminal History Category I.

1           Mr. Peterson, what is the defense position with respect  
2 to the application of the 3553(a) factors and the judgment that  
3 you would urge the Court to impose in this case?

4           MR. PETERSON: I appreciate that opportunity, Judge.  
5 First, I would like to just make a comment. This was probably  
6 the most complicated presentence report that I have ever  
7 encountered in my career. Ms. Boucher and Mr. Shimeall were  
8 always open. We had several conversations in working through  
9 the issues, the groupings issues, and all of the complexity  
10 that went into that report was extraordinary. It was -- except  
11 for the comments we made earlier -- was spot on, was correct,  
12 was thorough, was outstanding.

13           We appreciate the probation department's willingness to  
14 discuss those issues with us, as well as the United States  
15 Attorney's Office. Their handling of this investigation, which  
16 has now been years, and what they're willing to do in dealing  
17 with Jason and our issues that arose over the years truly has  
18 reinforced my confidence in the system.

19           We have been treated fairly and professionally at every  
20 turn. Any request we have made throughout this period of time  
21 to both probation and the U.S. Attorney's Office, they were  
22 accommodating us and always addressed our concerns. I would  
23 like to express my personal appreciation to each of them, to  
24 Mr. Glenn-Applegate, Doug Squires, Dave DeVillers. The  
25 attorneys on it before always treated us with respect and

1 professionalism. This is a difficult situation, and I greatly  
2 appreciate the way they have handled this throughout the entire  
3 years that this prosecution has gone on.

4 THE COURT: Thank you for saying that on the record,  
5 Mr. Peterson. You just captured what my experience has been  
6 for the past 26 years both working with this U.S. Attorney's  
7 Office and with probation. So thank you for reflecting that.

8 MR. PETERSON: It is a difficult situation.

9 THE COURT: And it's an adversarial process. And the  
10 fact that you can make that observation in the context of an  
11 adversarial process speaks to the integrity of this branch of  
12 government.

13 MR. PETERSON: Absolutely, Judge. No question. That  
14 would sort of lead me to -- we did submit a sentencing  
15 memorandum. You have the presentence investigation that goes  
16 through Mr. Adkins's past and family and history and all of  
17 that. I would simply, in addition to that, highlight from  
18 those reports, Judge, that this was not -- ending up in a  
19 federal courtroom before you, Judge, being sentenced is not  
20 where Jason intended to be.

21 As most, in a lot of these situations, they start out in  
22 a more legitimate way. Things happen and it evolves and then  
23 once you start slipping down that slope, it's very difficult to  
24 get out of it. That's how this happened with Jason. He did  
25 not set off intending to end up under federal indictment.

1           His wife Rebecca is here in the courtroom, Judge. They  
2           have three children. One just started out in California in  
3           college. The other two are still in high school in southern  
4           Ohio. This is a very, very difficult thing for Jason, for his  
5           wife, for his family. Aside from him still accepting  
6           responsibility for the mistakes he made and knowing how he  
7           ended up here in taking responsibility for those things, it's  
8           been very, very difficult on the family looking at this from  
9           the Adkins's side.

10           I won't belabor the point. His history has been  
11           documented through the PSR and through our sentencing  
12           memorandum. I would stand on those comments.

13           I do have a statement that Jason, when appropriate,  
14           Judge, would like for me to read to you. If the government  
15           doesn't have any objection, he --

16           THE COURT: I will typically give the defendant an  
17           opportunity to allocute on his behalf. I wanted to give him  
18           sort of the last word. After I hear from you, I'm going to  
19           hear from Mr. Shimeall, and I understand there are a number of  
20           victims who either have statements themselves to make or who  
21           have statements or at least a statement to be read by  
22           Mr. Shimeall. So, at the conclusion of your individual  
23           remarks, I will turn to Mr. Shimeall.

24           MR. PETERSON: Do you want me to read that now, Judge?

25           THE COURT: Mr. Adkins is not going to speak on his

1     behalf?

2                 MR. PETERSON:   Can you do it?

3                 THE COURT:    If he is, I will hear from him last before  
4     I begin my analysis.

5                 MR. PETERSON:   Judge, I believe the sentencing factors  
6     that are laid out support the sentence that the government is  
7     recommending and that the Court is entertaining, and we  
8     wouldn't have any additional comment beyond that.

9                 THE COURT:    Thank you very much, Mr. Peterson.

10                Mr. Shimeall, on behalf of the government.

11                MR. SHIMEALL:   Before I speak, there are a number of  
12     victims here today. Obviously, there were several statements  
13     submitted to the Court, including one right before the hearing  
14     today. We have, it's my understanding, three victims, if Your  
15     Honor will hear them.

16                THE COURT:    I would appreciate hearing from them.

17                MR. SHIMEALL:   First, we would ask Mr. Harold Compton  
18     to come forth and speak.

19                THE COURT:    Mr. Compton, would you please come  
20     forward.

21                Would you please state your full name and spell your  
22     last name for the record.

23                MR. COMPTON:   It's Harold Frederick Compton, Jr.  
24     C-o-m-p-t-o-n.

25                THE COURT:    Mr. Compton, please proceed.

1 MR. COMPTON: Your Honor, I'm here today representing  
2 myself and my father Harold Compton, Sr., who couldn't travel  
3 from Dallas today. We were both affected by the actions of the  
4 defendant. Both I and my father had the misfortune of becoming  
5 involved financially with the defendant. I would like to  
6 address the Court on the elaborate ways the defendant  
7 financially and emotionally scammed my family out of millions  
8 of dollars and the damage it's caused myself, my wife, my  
9 children, my parents, and my employees.

10 I'm not an extremely wealthy individual, Your Honor.  
11 I've grown multiple small businesses over the years with lots  
12 of hard work. And a lot of the money I've made has gone right  
13 back into my businesses. My father and I have invested  
14 millions of dollars of personal loans into the growth and  
15 sustainability of our companies. When you account for the  
16 substantial fraud and all the gyrations the defendant went  
17 through to defraud us and obtain our family's money is mind  
18 blowing.

19 The defendant made multiple trips from Ohio to Dallas,  
20 Texas, to meet with us and try to convince us to invest in his  
21 company.

22 THE COURT: Mr. Compton, may I interrupt you just one  
23 moment? I have a chart of the victims and the amounts lost.  
24 Was yours under a company name?

25 MR. COMPTON: Yes, Your Honor. It's called Jenvic,

1 J-e-n-v-i-c.

2 THE COURT: All right. I have it. Please continue.

3 MR. COMPTON: As I was saying, the defendant made  
4 multiple trips from Ohio to Dallas, Texas. And during these  
5 meetings, he walked us through how his company worked, talked  
6 about his family and how our investment could help him improve  
7 his and our quality of life for our families. He even offered  
8 up his house as collateral to us and gave us a song-and-dance  
9 story about how it was worth the risk for the reward for his  
10 family and mine.

11 He then proceeded to provide us with more documentation  
12 to justify the investment. He produced serial numbers for  
13 multiple tires over the course of our various meetings which we  
14 did put secured UCC filings against but without realizing some  
15 of these tires didn't even exist and other tires and serial  
16 numbers had also been promised to other groups.

17 The time and energy the defendant put into falsifying  
18 serial numbers, purchase orders from fake companies, or  
19 companies the defendant put together himself without disclosing  
20 to us, and the falsified documents from the yard that the tires  
21 were stored in is still unimaginable to myself and my family.  
22 What kind of person does something like this? That is the  
23 question we all keep asking ourselves.

24 I would like the defendant to understand the pain and  
25 agony he's caused my family and my employees due to this



1 heinous, malicious act. Due to him basically stealing our  
2 money, we had to take out additional loans to help sustain our  
3 business through the COVID pandemic. We are now currently  
4 owing interest on loans to our business that we would not have  
5 had to pay if we had the money that was taken from us by the  
6 defendant. This has caused us to lose even more money.

7 Because we had to tighten our belts through the pandemic  
8 like most companies, and we were tighter on cash than we should  
9 have been, we had to lay off almost 75 team members which cost  
10 them and their families their income. So the defendant  
11 personally affected approximately 75 additional people's lives  
12 due to the cash constraints he caused myself and my father.

13 Then to add to the business woes, we were in breach of  
14 our bank covenants for our personal business loans due to my  
15 father and myself not having enough personal wealth on hand to  
16 cover the bank's requirements since we had to take out  
17 additional loans on our business. We have since worked through  
18 all of that with our bank and restored our 13-year relationship  
19 but with no help from the defendant's actions. All of this  
20 cost us lots of time, payroll and personal grief. We have  
21 still not rehired the laid-off team members at my company.

22 On the personal side of my life, the defendant caused a  
23 lot of undue emotional stress on myself and my wife. Your  
24 Honor, I have two children, a boy and a girl. Figuring out how  
25 to juggle our finances so both our children could finish

1 college in the last two years has been extremely stressful on  
2 both of us. Again, if it wasn't for the defendant's actions,  
3 we would have easily had the money to cover everything. But  
4 with the additional loans for the business plus two expensive  
5 colleges, it was lots of stressful days and nights for both  
6 myself and my wife.

7 For a person who stressed during his pitch to us about  
8 family and how important it is, I'm hoping the Court takes into  
9 consideration that the defendant had no care or concern for my  
10 parents, my wife, my children, my team members and their  
11 families, or the other plaintiffs in this case.

12 And, Your Honor, this morning to hear when I arrived  
13 that it's being considered to only give the defendant 90 months  
14 is extremely disappointing, and to hear how difficult it's been  
15 for his family was just disgusting. He made the choice. He  
16 penalized me and my family. I don't feel sorry at all. And  
17 I'm begging the Court, begging, to make sure that the defendant  
18 spends as long as possible in jail for his devastating,  
19 fraudulent actions against so many innocent people.

20 That's all I have. Thank you, Your Honor.

21 THE COURT: Mr. Compton, thank you very much.  
22 Mr. Compton, do you have just a general estimate on how much  
23 you lost directly to Mr. Adkins?

24 MR. COMPTON: Myself was about 1.2 million and my  
25 father was an additional 1.2 million, give or take.

1 THE COURT: So somewhere between 2 and 2.4 million?

2 MR. COMPTON: Yes, Your Honor.

3 THE COURT: Thank you very much, Mr. Compton. I  
4 appreciate your taking the time to come. I want you to -- I  
5 want you to be very clear that the Court has always, over the  
6 past 25 years, paid very close attention to the victims of  
7 these offenses. The public sometimes has a warped sense of  
8 what a victim is. They often think that the only victims of  
9 crimes are victims of street crime, and they only sometimes  
10 believe that those victims are devastated in their person  
11 because of, oftentimes, offenses to the person. But I  
12 understand in very granular ways your pain and your agony and  
13 the impact that these misdeeds had on your family. So I  
14 appreciate your sharing them with the Court.

15 MR. COMPTON: Thank you, Your Honor. I appreciate it.

16 MR. SHIMEALL: Your Honor, next we are going to have  
17 Mr. Brent Bobo come speak.

18 THE COURT: Mr. Bobo, please come forward and speak.

19 MR. SHIMEALL: One moment, too, Your Honor. We, of  
20 course, don't object to the facts laid out in the presentence  
21 report, but the loss values on that table are approximate.

22 THE COURT: And I understand that. We're going to  
23 have a period of an additional 90 days to gather additional  
24 facts about the actual loss amount.

25 Mr. Bobo, please state your full name and spell your

1 last name for the record.

2 MR. BOBO: Brent Bobo. Last name is B-o-b-o.

3 THE COURT: Please proceed, Mr. Bobo.

4 MR. BOBO: Good morning, Your Honor. I appreciate  
5 this opportunity to address the Court. Jason Eldon Adkins  
6 chose a life of crimes of enormous proportions. Today he will  
7 be held accountable for his actions. He didn't need to commit  
8 these crimes in order for him to survive, certainly not the  
9 reportedly \$50 million. A criminal scheme of this magnitude  
10 required legal maneuvering, drafting of legal documents he had  
11 no intention of fulfilling. He once sent me a fictitious  
12 earning statement, 1099, stating I earned an outrageous amount  
13 of interest causing me to pay tens of thousands of dollars on  
14 nonexistent earnings.

15 I live on a disability retirement. I can no longer work  
16 over time, save for the future. He stole my financial cushion.  
17 I won't be able to purchase an extended care policy for myself  
18 or indulge in any of the retirement indulgences like travel,  
19 new car. I'll no longer be donating to something I'm  
20 passionate about: dog rescues. That's out of the picture.  
21 I'll be spending -- I won't be spending my money on  
22 grandchildren's educations.

23 Jason Adkins lied, deceived and stole money to live a  
24 life of luxury: Cadillac Escalades, car collections, leased  
25 jet, living lavishly in a large home he built on a gated

1 estate, has a room in the basement with a room like a safe in  
2 which he kept collectible firearms, many Super Bowl rings and  
3 precious metals. He has so far expressed no remorse.

4 He called me when he wanted to borrow the final \$55,000  
5 which I suspect was as the authorities were moving in,  
6 unbeknownst to me. So we loaned it to him. Knowing that he  
7 has my phone number, he never called to apologize for stealing  
8 any of the money. He evidently thinks it's his to keep.

9 What he stole from my business -- it's a small rental  
10 business in Athens at Ohio University, is \$340,000. That was  
11 our profit from the last seven years of business. The -- my  
12 co-owner and I are contributing funds to the business to keep  
13 it afloat until we can liquidate. He's taken all incentive for  
14 us away to even have the business.

15 He stole 900,000 -- I'm sorry, Your Honor -- 90,000 from  
16 me personally, and he stole \$80,000 that was intended for my  
17 father's end-of-life nursing care. My intention was to  
18 multiply that 80,000 for extra years for my father; 80,000  
19 being the cost of a year. No nursing home for dad. Now he's  
20 gone.

21 So because he chose to steal all the money and keep it  
22 himself, I'm forced to live frugally so my retirement savings  
23 will be available for rising health costs. I have to buy my  
24 own insurance on the marketplace. It's an \$8,000 deductible,  
25 \$8,700 out of pocket. And, believe me, it doesn't take long to

1 add up. I've had to live frugally the past five years. If I  
2 live 20 more years, I'll be living frugally for a total of 25  
3 years. I'd like to see him get 25 years of losing his freedom.

4 And what of the stolen money? Did he spend it all in  
5 eight years? If he did, imagine the lavish lifestyle he led.  
6 In my house, it's going to be hot in the summer, cold in the  
7 winter to save on electric bills; patched shirts, mended socks.

8 I believe that's all I have to say, Your Honor.

9 THE COURT: Mr. Bobo, thank you very much. I  
10 appreciate your taking the time to come forward today.

11 MR. SHIMEALL: Your Honor, finally, Ms. Jan Shroy.

12 THE COURT: Ms. Shroy, please come forward.

13 MR. SHIMEALL: She might have stepped out, Judge.

14 THE COURT: We'll give her a couple of minutes. I'll  
15 let your victim coordinator --

16 MR. SHIMEALL: What I'm going to do while she checks  
17 is we did receive Ms. Shroy's statement just before today. It  
18 was not one of the ones that was submitted to the Court prior  
19 to the hearing. If I might, Your Honor, just approach  
20 Ms. Stash, that Your Honor has the statement that she's going  
21 to make.

22 THE COURT: All right.

23 MR. SHIMEALL: While we wait for Ms. Stash --

24 THE COURT: You mean Ms. Shroy.

25 MR. SHIMEALL: Excuse me. Ms. Shroy. If it would

1 please the Court, I'm happy to start in on my portion of the  
2 remarks.

3 THE COURT: I don't want you to be truncated,  
4 Mr. Shimeall. So we'll give Ms. Shroy a couple of moments.

5 Ms. Shroy, please come forward.

6 Good morning. You may go to the podium. And take your  
7 time.

8 Ms. Shroy, would you begin, though, by stating your full  
9 name and spelling your last name for the record.

10 MS. SHROY: It's Jan, J-a-n; Shroy, S-h-r-o-y.

11 THE COURT: Please proceed, Ms. Shroy.

12 MS. SHROY: Before I talk about Mr. Adkins, I'd like  
13 to talk a little bit about my life and my daughter's life. I  
14 have a daughter with a severe disability. She has  
15 Lennox-Gastaut syndrome. Since I doubt any of you are familiar  
16 with it, let me explain what it is. She suffers from multiple  
17 kinds of seizures which affects her ability to think, to  
18 remember, and to function. She suffers from myoclonic seizures  
19 where she can't think but does not lose consciousness, as well  
20 as tonic clonic seizures which were previously called grand mal  
21 seizures.

22 Her seizures are non-innocuous. Every one is life  
23 threatening with irreversible brain damage. She is 17 times  
24 more likely to die than someone her age. She was diagnosed at  
25 three years of age, and she's 29 years old now. She has fallen

1 through glass doors, fallen and hit her head on rocks, broken  
2 bones, had numerous gashes to her head and face requiring  
3 sutures, et cetera. She has had a seizure in water resulting  
4 in her being in a coma and on a ventilator for months with a  
5 seven-year recovery period with 14 different specialists. Most  
6 of her seizures are life threatening.

7 She requires a special diet and over 30 pills and oils a  
8 day to live. She does not drive. She does not know how to  
9 cook. She cannot bathe by herself for fear of drowning. She  
10 is not able to take care of herself. She requires constant  
11 care. She has a sleep disorder and behavioral issues  
12 associated with her illness. She has taken -- been taken by  
13 squad and EMTs more times in a year than I can count. The last  
14 one was last week.

15 There is no cure. The illness is progressive. I was  
16 told by a very uncaring doctor when she was three years old to  
17 find an institution as she would eventually be a vegetable.  
18 She is 29, and she isn't able to take care of herself.  
19 Unfortunately, there are not enough caregivers in the world and  
20 the care for her falls to me. I have taken care of her for her  
21 entire life, living most nights on less than three hours of  
22 sleep and worked full time for over 40 years. I saved my money  
23 so that she could have a future and a better quality of life so  
24 when I am gone someone could take care of her. She is very  
25 sick and requires a lot of support to live.



1           Most people who have children don't have to monitor them  
2   24 hours a day to provide emergency care if needed. As I  
3   mentioned, I worked for over 40 years to save so that she could  
4   be taken care of. Now every day I worry how that will happen  
5   when I'm gone, how her care will be provided and how her  
6   medicines and basic needs will be covered all because of Jason  
7   Adkins.

8           Jason Adkins has a different kind of illness. His  
9   sickness is pure greed. He didn't return phone calls about the  
10   money he took from me, but told me through another person not  
11   to go to the police or I would never see my money. After  
12   hiring an attorney which required more time and expenses on my  
13   part, Jason pled guilty. He was supposed to provide  
14   restitution but never paid a penny. He has never shown any  
15   remorse. He has never even bothered to say he was sorry  
16   because he's not. I would guess if he's sorry about anything,  
17   it's that he got caught.

18           He threw lavish parties and told people he would never  
19   go to jail because he has kids. He was arrogant and spewed  
20   outrageous lies constantly and has shown zero remorse. Yes, he  
21   suffers from a different kind of illness, one that is  
22   self-inflicted. He steals. He lies. He cheats. And sadly,  
23   this wasn't his first time being involved in a scam. Perhaps  
24   it's the first time he's been caught, but it's not the first  
25   time he's participated in a scam.

1           My daughter likely won't have the care and support she  
2       needs the rest of her life because of him. But he could care  
3       less. He is a sorry human being, and there is a special place  
4       in hell for someone like him. And I would like to see him have  
5       part of that special place in hell right here on earth in  
6       prison for a long, long time.

7           He can't give back what he has stolen. What he has  
8       stolen is the quality of my life and my daughter's life. He  
9       has stole my daughter's future all because of his greed. My  
10      daughter didn't choose her sickness, but Jason Adkins chose  
11      his. The choices he made have had severe consequences on my  
12      life and my daughter's life. After years and years of no  
13      punishment and no repercussion for what he did, I hope there  
14      are severe consequences dealt to him today.

15           THE COURT: Ms. Shroy, thank you very much. One other  
16      thing, Ms. Shroy. Approximately how much do you calculate your  
17      loss?

18           MS. SHROY: About a million dollars.

19           THE COURT: Thank you, Ms. Shroy.

20           Mr. Shimeall, do you have any additional witnesses  
21      today?

22           MR. SHIMEALL: No additional witnesses.

23           THE COURT: All right. Please give me the  
24      government's position on the 3553(a) factors and the sentence  
25      that you would urge the Court to impose in this case.

1           MR. SHIMEALL: Yes, Your Honor. I want to start with  
2 just the scope of the scheme, as I think sometimes it's hard to  
3 wrap your hands around what was going on. It was approximately  
4 \$80 million, like I said earlier, that went through various  
5 accounts related to the scheme. This is one of the larger  
6 fraud cases I think in this district currently going.

7           Beyond just the amount of money at issue, it was  
8 sprawling. There were at least 70 victims from all over the  
9 country. There was money movement through at least 15  
10 corporate accounts. There are two individuals charged now,  
11 although the investigation is ongoing. The scheme involved a  
12 sham tire yard, a sham escrow agent, a sham tire salesman,  
13 private jets, at least one Super Bowl party, meetings with  
14 celebrities, trips around the country, and thousands of  
15 transactions.

16           Financial crimes, so far as I see in my experience,  
17 don't often come more serious than the one we have here. You  
18 heard the pain associated with the victims in this case. There  
19 were indeed a number of corporate financiers who invested and  
20 very wealthy individuals who are indeed victims and who lost  
21 money. There were also many individuals who were not otherwise  
22 wealthy, who were working people, who had their security ripped  
23 away from them in the long term. I'm glad that the Court could  
24 hear today that they unfortunately are dealing with this, and  
25 their suffering is going to continue for a long period of time.

1           They're not all here. There, like I said, are many of  
2           them. I should indicate to the Court that in discussing with  
3           the victims the case and whether or not some of them would be  
4           willing to come to talk today, there was something we heard  
5           often which is, look, I would like to be there and I would like  
6           to talk, but it's just too painful. I can't be there today  
7           because it hurts too much. I suffered too much from this.  
8           When you heard Ms. Shroy talk, it's more than just her. It's  
9           many, many people who suffered because of this.

10           I think, Judge, if you look at what happened maybe as  
11           one big transaction, it could be said that Mr. Adkins took a  
12           step in the wrong direction, and it's a big step in the wrong  
13           direction. But, of course, this was more than just one giant  
14           transaction. This was years of intentional decisions by  
15           Mr. Adkins. It was his decision to get involved.

16           What he said in the sentencing memo -- in Mr. Peterson's  
17           sentencing memo is true, that there were other players  
18           involved, more sophisticated. And eventually he did realize  
19           what was going on, but he chose to continue. He chose to go  
20           into deal after deal and misrepresent what was going on to  
21           victims. He chose to defraud these people and live a life of  
22           luxury on their backs, and that included a large estate, a  
23           swimming pool, like I said earlier, a private jet, vehicles.  
24           It was luxurious. He made that decision to keep lying.

25           The guidelines in this case are, admittedly, for a

1 white-collar case, high. I have to say, Judge, in coming to  
2 the recommendation we made to the Court, you can hear what the  
3 victims think of it. There was a lot of consternation about  
4 this. This was difficult for us.

5 The conduct is extraordinary. And while the guidelines  
6 are high, we think that they're fair. But given the totality  
7 of the circumstances and everything at play, we ultimately  
8 arrived at 90 months. And we think that is fair given  
9 everything that's going on. Despite what has been said today,  
10 we did our best to be fair to everybody.

11 We ask, Judge, that Your Honor impose the sentence that  
12 we've requested. And I think, Judge, with ten counts, it would  
13 come to a thousand dollars of a special assessment, as well as  
14 three years of supervised release. And finally, Judge, just  
15 for the record, we'd also ask for an order of restitution today  
16 with the exact amount to be determined at a hearing at least 60  
17 days but no more than 90 days from today pursuant to 18 U.S.C.  
18 Section 3664(d)(5).

19 We have worked very hard to pin down the loss amounts at  
20 issue. We're continuing to do that. But given the sprawl of  
21 the fraud, that has taken a good bit of time. We're coming to  
22 the end of the process. And for that reason, we ask that the  
23 order of restitution be made today but a hearing be had between  
24 60 and 90 days from now.

25 THE COURT: At this point, approximately where are you

1 in the restitution calculation? At one time -- I think it's  
2 set forth in the presentence report -- restitution exceeds  
3 \$50 million.

4 MR. SHIMEALL: It will be right around there. It  
5 vacillates by the transaction that we go through, but it will  
6 be pretty close to \$50 million. Probably not take, but give a  
7 little bit right around there.

8 THE COURT: Okay. And the guideline range under the  
9 advisory guidelines of a criminal history level -- I'm sorry,  
10 Total Offense Level 29, Criminal History Category I is 87 to  
11 108 months. Is that right, Mr. Shimeall?

12 MR. SHIMEALL: Yes, Your Honor, that's correct.

13 THE COURT: And you're recommending something at the  
14 low end of that range?

15 MR. SHIMEALL: Ninety months, Your Honor.

16 THE COURT: Thank you, Mr. Shimeall.

17 Now, Mr. Adkins, you have had an opportunity to hear  
18 from your attorney, to hear from the government, and most  
19 importantly to hear from at least three of the victims to your  
20 scheme. Are you now ready to proceed with the statement on  
21 your behalf?

22 THE DEFENDANT: Yeah. First of all, I apologize to  
23 all of the victims. No, I haven't called them. I should have.  
24 I had their numbers. A lot of them I didn't have the guts to  
25 call them. I'm sorry about that.

1 I do have a letter.

2 Your Honor, I'm writing you this letter hoping you  
3 understand more about me and my life. I'm not writing this  
4 letter to feel sorry about myself. I'm writing you this letter  
5 to let you know what kind of person I really am.

6 I was born in a small town in southern Ohio to two great  
7 parents. I was raised to be honest, work hard and care about  
8 others. Growing up with my father, we were very involved in  
9 local politics. I was interested as well. As a leader of the  
10 democrat party, I helped President Clinton during his election,  
11 not that he needed it against Bob Dole; very involved with Ted  
12 Strickland, along with -- raced cars every weekend with Anthony  
13 Celebrezze. I got to know Anthony very well, spent a lot of  
14 time with Anthony. I was with Anthony when he passed away. I  
15 learned a lot. I wanted to be in politics. I went to  
16 Anthony's funeral. I wanted to be a politician.

17 I'm abbreviating a lot of this.

18 My point to this is I wanted to be a well-respected  
19 person, not the person I've become. In 2002 I married the love  
20 of my life. I had three children that I cherish with all of my  
21 heart. I worked hard every day to provide for my family.

22 2009 I met Jerry Ladonna. He told me how to make money  
23 selling these large tires, put me in contact with a guy by the  
24 name of John Eckerd. He said he knew everyone that could help  
25 me purchase these tires. He had John call me. It was the

1     worst mistake in my life by answering that phone. My life has  
2     been a nightmare ever since.

3             Other documents you've seen and I've heard is I was out  
4     having the time of my life. I wish that was the case. I've  
5     lived with threats and pressures and remorse for years; so bad  
6     that when my chest would hurt, I would pray it was a heart  
7     attack just so this would be over.

8             There's so many people involved. I've hurt so many  
9     people, but I just wanted out. When my home was raided in  
10    2018, I was relieved. Now, I could finally tell someone. But  
11    for years, I've hurt people when I did not want this to be this  
12    way. The only other outcome was death. Nobody knows the  
13    people I was around, people I was dealing with, even my own  
14    attorney, and Bernie Kerik.

15            I've made terrible mistakes. I have hurt a lot of  
16    people. I never intended doing this. I have terrible remorse  
17    for what I've done and the people I've hurt. The victims will  
18    never understand how sorry I am. And the only way I knew to  
19    help them was to help the government with investigation.

20            My whole point to this letter was I wished I never  
21    changed path. I wish I stayed in politics. And now I'm not  
22    even allowed to vote. I wish I had been an honest person to  
23    never hurt anybody just to survive. I never want to hurt  
24    another person. I've lived with this burden for years. I  
25    don't want to do it again. I want to be a good husband,



1 father, friend. I expect -- accept responsibility for my  
2 actions. I just want you to know it's not the man I am. It's  
3 the man I became over the years. I never want to be this  
4 again.

5 Thank you for your time, Your Honor.

6 THE COURT: Thank you, Mr. Adkins.

7 Mr. Peterson, do you have anything further before the  
8 Court begins its analysis of the 3553(a) factors and proceed to  
9 sentencing?

10 MR. PETERSON: The only thing I would mention, Judge,  
11 is we did file a motion with respect to self-surrender. Other  
12 than that, I have nothing else.

13 THE COURT: We'll take that up.

14 MR. PETERSON: Yes, sir.

15 THE COURT: Mr. Adkins, as I'm sure that Mr. Peterson  
16 has advised you, the Court is tasked with the responsibility of  
17 imposing a sentence that is sufficient but not greater than  
18 necessary to comply with the purposes of the Congress as set  
19 forth in the statutes of conviction.

20 The first inquiry is actually a balancing test. It is  
21 to balance the seriousness of the offense against your personal  
22 history and characteristics. It is almost patently easy to  
23 discuss the seriousness of the offense, especially against the  
24 backdrop of the victims' testimony here today. They have made  
25 it clear as to not only the nature of the offense -- lawyers

1 appreciate that, lawmakers appreciate that, but victims more so  
2 than anyone can illustrate why we have these laws on the books  
3 because they can tell you in very basic human terms of the harm  
4 that was visited upon them by your misdeeds. Oftentimes, when  
5 the victim is not the victim of a personal, physical harmful  
6 act, those victims may appear to some to be abstractions. Some  
7 would even be so brazen to say it was only money. But when you  
8 consider Ms. Shroy, it was not only money. It was a life. It  
9 was the life of her daughter. And all of us who are fortunate  
10 enough to be parents can understand the gravity of the harm.

11 So no amount of apologia will suffice to put Ms. Shroy  
12 back in the position she deserves to be in if for no other  
13 reason than her daughter. She didn't ask anything for herself.  
14 And most of us parents are selfless. So it's important to put  
15 faces and lives upon victims. You have to understand it.

16 So I don't have to tell you about the wrong of wire  
17 fraud, money laundering conspiracy, money laundering, or tax  
18 evasion, especially tax evasion. Most people might even shrug  
19 and say we pay too many taxes anyway. So if you got away with  
20 it, that's fine. But if you ask Mr. Bobo or Mr. Compton and  
21 Mr. Compton, Sr., or the other -- there were 70 victims here.  
22 This is just a random sample.

23 So there's nothing that can be done or said that will  
24 minimize the nature of the fraud. It would even be as bad if  
25 it was institutional investors only where you might have a

1 pension fund. But the pension fund exists for the benefit of  
2 people. And they exist for the benefit of people like Mr. Bobo  
3 who thought that he had saved the best for the last act or the  
4 autumn of his life when people retire.

5 So, to me, what you've done is just as bad as if you had  
6 gone to their houses armed with the weapon of choice these  
7 days, an AK, and deprived them of their treasure and, in doing  
8 so, deprived them of some not insignificant portion of their  
9 lives. So that's put into context what you've done. It was  
10 not just money.

11 Mr. Shimeall and the government will order restitution,  
12 and you will be tasked with the responsibility, along with your  
13 coconspirators, to pay this money back. But there will be  
14 dreams that will never be recaptured. And when we can't dream,  
15 query the quality of our lives. When we can't realize our  
16 dreams, tell me about the quality of one's life. Because you  
17 have children and you want your children to have dreams and you  
18 want them to be able to realize those dreams.

19 So I don't want you to think for a moment that you have  
20 absolved yourself or you have vindicated yourself. They and  
21 the other victims of this scheme of yours with your  
22 coconspirators may accept your apologies. The humanism in them  
23 may allow them to do so. But you have to make them as real as  
24 the tires that you did not make real. And you must do that, of  
25 course, by restitution.

1           There is nothing in your personal history that will  
2     justify what you did. You had a -- as you set forth in your --  
3     in the presentence report, you had a good and stable life,  
4     something that you have deprived the victims of this offense.  
5     You detail that you had a good upbringing. You were reared by  
6     both parents in a loving home. That is something of which some  
7     of these victims will be deprived, Mr. Adkins. And I want to  
8     say it. I want to say it on behalf of the victims who have  
9     spoken here today. I want to say it on behalf of the victims  
10    who were silent. I want to say it on behalf of the victims who  
11    have been -- who might be a part of a fund that invested in  
12    your scheme and people who are yet maybe not identified as  
13    individuals and whose narratives we don't yet have. And you  
14    need to know it and you need to feel it because that's going to  
15    be a part of your healing.

16           Now, even if you were to complain to the Court that your  
17    circumstances were in no ways idyllic and as a consequence you  
18    resorted to avarice to close the delta, that still wouldn't be  
19    sufficient because your demographics don't equal your destiny,  
20    nor should your avarice result in their loss. You had a  
21    business. You could have used your fiscal creativity to expand  
22    that business lawfully. Others do it all the time. And those  
23    who don't usually will see Mr. Shimeall or Mr. Glenn-Applegate  
24    or Mr. Kelley at some point in time. And I don't wish that  
25    misfortune upon any of them, but you will be caught.

1           The sentence that I will impose must reflect the  
2           seriousness for the offenses that you committed in order to  
3           promote respect for the law and to provide just punishment for  
4           the offense. That is the retributive ideal of justice,  
5           Mr. Adkins. Society is punishing you for violating its  
6           criminal laws.

7           The sentence must afford adequate deterrence to criminal  
8           conduct. There are two interests of deterrence that this seeks  
9           to vindicate, Mr. Adkins. One is general deterrence such that  
10          anyone who reads about, hears about, or otherwise discovers the  
11          sentence that was visited upon you will be dissuaded from  
12          engaging in the same or similar acts of criminality lest they  
13          suffer the same or similar fate.

14          The other and more important interest of deterrence that  
15          is sought to be vindicated is specific deterrence. That is, I  
16          want to impose a sentence upon you that is severe enough that  
17          it will dissuade you from not just future criminality in this  
18          realm but future criminality period lest you suffer the same or  
19          greater fate.

20          The sentence must protect the public from further crimes  
21          of the defendant. That is the incapacitation ideal,  
22          Mr. Adkins. The theory being that if you are locked away, and  
23          you will be, you will not be able to commit crimes in free  
24          society. And finally, the sentence must provide you with  
25          needed educational or vocational training, medical care, or

1 other correctional treatment in the most effective manner.  
2 That's the rehabilitative ideal, Mr. Adkins. As Mr. Shimeall,  
3 Mr. Glenn-Applegate, Mr. Peterson who himself was a judge and a  
4 very outstanding judge who struggled with these same issues,  
5 Mr. Kelley, they will all tell you one thing. They will tell  
6 you that Judge Marbley struggles with this particular prong  
7 because I don't know -- if you were -- had committed these  
8 crimes to fuel your addiction, your drug addiction, the BOP has  
9 the RDAP program, Residential Drug and Alcohol Treatment  
10 program.

11 But for 25 years, this Court has struggled with how to  
12 rehabilitate avarice. I have yet to discern how one would  
13 rehabilitate one from avarice. It's part of the frayed end of  
14 the American fabric. We hear stories of greed all the time.  
15 In pop culture it was said that greed is good. And in that  
16 context, it is greed for knowledge, greed for progress, greed  
17 for betterment, greed for vindication of American values, the  
18 ideal of America, then greed is good. But avarice is that  
19 brand of greed that is not because of what happened to  
20 Mr. Compton, because of what happened to Ms. Shroy, because of  
21 what happened to Mr. Bobo.

22 I have no doubt, as Rousseau would say, that you were  
23 born with a clean slate and that you were born fundamentally  
24 good. But somewhere something happened.

25 Mr. Adkins, I once had a case. It was a death penalty

1 case. And we don't get many death penalty cases here in  
2 federal court. And in that case -- and I was fortunate to  
3 preside over it because I heard the best and the most powerful  
4 closing argument that I've heard in 25 years on this court.  
5 The defendant was standing up and his defense attorney,  
6 Mr. Fred Benton, who is a great trial lawyer, stood up and  
7 said -- he showed a picture of the defendant as a little boy at  
8 Christmastime, and he had just gotten a cowboy suit. He was  
9 happy and he was regaled in his cowboy suit. And this was the  
10 same defendant who had been responsible for the -- for  
11 murdering a man, I believe a woman, and his daughter, the  
12 defendant's daughter.

13 He posed the question. He asked the jury to look at  
14 this picture of the young man as a little boy and to look at  
15 the defendant standing before them. And the question that he  
16 put to the jury was what happened between here and here? What  
17 happened between the time that this little boy was just a  
18 little tot enjoying being a cowboy at Christmastime to him  
19 being a murderer?

20 And the same question could be posed to you, Mr. Adkins,  
21 because you weren't always avaricious to the point where you  
22 could steal from people without regard for the impact that that  
23 would have on those people. Something happened. And I don't  
24 know whether there's any program that the Bureau of Prisons  
25 could construct that could remedy that, that could address

1 that, that could solve that. But something happened. But  
2 you're going to have time to reflect. That's the beauty of it.  
3 You're going to have time to reflect on what got you from the  
4 young man who had an interest in politics, to do good for a  
5 greater good, to support candidates of your choice who you  
6 thought would do good for the greater good, to have a business  
7 where you would provide a service for people without resort to  
8 ripping them off or anything.

9 You were a tire salesman, but then you took a detour.  
10 What we don't know is what sign along the way caused you to  
11 take that detour because you're not an unsophisticated man.  
12 You're a smart man. You were able to develop a scheme that  
13 ripped off people for \$50 million. That takes some mental  
14 acuity. And so I hope that in the counseling that you will be  
15 ordered to undergo, it can be unearthed and the question could  
16 be answered as to what happened to that man.

17 I will now state the sentence that I intend to impose,  
18 but counsel will have a final opportunity to make any legal  
19 objections before sentence actually is imposed.

20 Ms. Boucher, may I see you for one moment at sidebar?

21 (Thereupon, Court and Ms. Boucher conferred out of the  
22 hearing of open court and off the record.)

23 THE COURT: Pursuant to the Sentencing Reform Act of  
24 1984 and 18 United States Code Section 3553, et seq., it is the  
25 judgment of the Court that the defendant, Jason E. Adkins, is



1 hereby committed to the custody of the United States Bureau of  
2 Prisons to be imprisoned for a term of 108 months on Counts 1  
3 through 9 to be served concurrently, and 60 months on Count 10  
4 to be served concurrently with Counts 1 through 9. Upon  
5 release from the custody of the Bureau of Prisons, the  
6 defendant shall serve a term of supervised release of three  
7 years on each count to be served concurrently.

8           Within 72 hours of release from the custody of the  
9 Bureau of Prisons, the defendant must report to the probation  
10 office in the district to which he is released.

11           While the defendant is in the custody of the Federal  
12 Bureau of Prisons, the defendant shall participate in mental  
13 health counseling with a particular focus on decision making.  
14 While on supervised release, the defendant must not commit any  
15 federal, state or local crimes. He shall be prohibited from  
16 possessing a firearm, ammunition, destructive device or  
17 dangerous weapon. The defendant must not unlawfully possess a  
18 controlled substance. He must refrain from any unlawful use of  
19 a controlled substance.

20           The defendant is viewed as a low risk of future drug  
21 use, and the mandatory drug testing condition is waived  
22 pursuant to 18 United States Code Section 3583(d). He must  
23 cooperate in a collection of his DNA as directed by the  
24 probation officer. He must comply with the standard conditions  
25 of supervised release that have been adopted by this court, as

1 well as the following special conditions. He will have no  
2 direct or indirect contact with the victims or his codefendants  
3 without the prior written consent of the probation office. He  
4 shall cooperate with the IRS and pay all taxes due and owing.  
5 He must pay restitution in the amount of \$236,665 to the IRS.

6 He shall participate in a program of mental health  
7 assessment and/or counseling as directed by the probation  
8 office until such time as he is released from such program by  
9 the probation office. He will make a copayment for treatment  
10 services not to exceed \$25 per month which is determined by his  
11 ability to pay.

12 He shall provide all financial and bank records to the  
13 probation office as directed. He shall file with the IRS  
14 complete and accurate individual tax returns for tax years  
15 2008, 2009, 2010, and 2011.

16 I find that the defendant does not have the ability to  
17 pay a fine. He shall pay restitution in an amount that will be  
18 finally determined within 90 days of today's date. Restitution  
19 shall be paid jointly and severally with any unindicted person  
20 who is convicted in respective charges. Restitution is due  
21 immediately with any unpaid balance to be paid in the amount of  
22 not less than 10 percent of the defendant's net income per  
23 month.

24 While incarcerated, if the defendant is working in a  
25 nonUNICOR or Grade Five UNICOR job, he shall pay \$25 per

1 quarter toward his restitution obligation. If working in a  
2 Grade One through Four UNICOR job, the defendant shall pay  
3 50 percent of his monthly pay toward the restitution and fine  
4 obligation. Any change in this schedule shall be made only by  
5 order of this Court.

6 Pursuant to 18 United States Code Section 3612(f)(3)(A),  
7 I waive the requirement of interest on any balance of the  
8 restitution and fine not paid within 15 days after judgment.  
9 It is ordered that the defendant pay a special assessment in  
10 the amount of \$1,000 which shall be due immediately. The  
11 defendant is subject to forfeiture as outlined under the terms  
12 of the plea agreement.

13 Are there any objections to the sentence as stated,  
14 Mr. Peterson?

15 MR. PETERSON: No, Your Honor.

16 THE COURT: Mr. Shimeall?

17 MR. SHIMEALL: Not on behalf of the government, Your  
18 Honor.

19 THE COURT: The sentence as stated will be imposed.

20 Mr. Adkins, you may appeal this sentence on one of two  
21 grounds or both of them. You may appeal this sentence if you  
22 believe that Mr. Peterson rendered ineffective assistance of  
23 counsel, or you may appeal if you believe that Mr. Shimeall,  
24 Mr. Glenn-Applegate, or any one of the attorneys in the United  
25 States Attorney's Office has been guilty of prosecutorial

1 misconduct.

2 If you wish to appeal on one of these two bases or both  
3 of them but cannot afford an appeal, you may apply for leave to  
4 file an appeal *in forma pauperis* which means without the  
5 payment of any cost or expense to you. If that application is  
6 granted, the clerk of court will prepare or file a notice of  
7 appeal on your behalf. Any such notice of appeal must be filed  
8 within 14 days of the time that I enter judgment on your  
9 sentence.

10 Do you wish the Court to direct the clerk's office to  
11 prepare or file a notice of appeal on your behalf?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: Are there any other matters -- we need to  
14 take up the matter of self-surrender.

15 MR. PETERSON: We filed a motion requesting  
16 self-surrender for the reasons we set forth including an  
17 attachment that are relatively sensitive in nature. We would  
18 request that you consider that motion for the reasons that we  
19 said. Also recognizing your limited ability to impact his  
20 assignment, we would request that it be considered he be  
21 assigned to the Ashland Correctional Institute which is closest  
22 to his home.

23 THE COURT: I will make that request in my judgment  
24 and commitment order. As you know, the Bureau of Prisons will  
25 honor that request if possible. It always depends on staffing

1 parameters and what is available at the particular time. But  
2 they give weight to what the sentencing judge recommends, and I  
3 will make that recommendation.

4 MR. PETERSON: Greatly appreciate it, Judge. Thank  
5 you.

6 THE COURT: Mr. Shimeall?

7 MR. SHIMEALL: As you probably saw, Mr. Adkins has  
8 performed well on pretrial release. We did vet the issue  
9 raised with respect to the motion about self-surrender. And  
10 for that reason, we do not oppose Mr. Peterson's request.

11 THE COURT: What was the time period?

12 MR. PETERSON: We would request, Judge, the beginning  
13 of December for actual reporting.

14 MR. SHIMEALL: We have no objection to that.

15 THE COURT: Say December 1?

16 MR. PETERSON: That will be fine, Judge. It's related  
17 to a medical issue. If something else arises, we would maybe  
18 approach --

19 THE COURT: You can come back, but just to have a date  
20 certain.

21 MR. PETERSON: Yes, sir. Thank you very much, Judge.

22 MR. SHIMEALL: No objection.

23 THE COURT: If there's nothing further, this matter is  
24 dismissed.

25 (Proceedings concluded at 10:45 a.m.)

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C E R T I F I C A T E

I, Shawna J. Evans, do hereby certify that the foregoing is a true and correct transcript of the proceedings before the Honorable Algenon L. Marbley, Judge, in the United States District Court, Southern District of Ohio, Eastern Division, on the date indicated, reported by me in shorthand and transcribed by me or under my supervision.

s/Shawna J. Evans  
Shawna J. Evans, RMR, CRR  
Official Federal Court Reporter

January 25, 2024